

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re:

JAMES RONALD BURNS

Debtor.

* * * * *

KENNETH B. KREITZBURG
262 West Garwood Drive
Tallmadge, Ohio 44278,

Plaintiff,

vs.

JAMES RONALD BURNS
2159 Meloy Road
Kent, Ohio 44240,

Defendant.

) IN PROCEEDINGS UNDER
) CHAPTER 7

) CASE NO. 15-52933-amk

) JUDGE ALAN M. KOSCHIK

) * * * * *

) ADVERSARY PROCEEDING
) NO.

) COMPLAINT FOR DETERMINATION
) OF NON-DISCHARGEABILITY OF DEBT
) PURSUANT TO 11 U.S.C. SECTIONS
) 523(a)(2)(A) and 523(a)(6)

Now comes Plaintiff, Kenneth B. Kreitzburg, and alleges as follows for his complaint against Defendant, James Ronald Burns:

1. This is a core proceeding over which this Court has jurisdiction under Title 28 U.S.C. Section 157(b).

2. This Court also has jurisdiction over this proceeding pursuant to Title 28 U.S.C. Section 1334, in that this proceeding arises in bankruptcy case no. 15-52933-amk filed by James Ronald Burns under Chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Ohio, Eastern Division.

3. Plaintiff is a creditor of Defendant, who is the debtor in this Chapter 7 case.

4. This Court imposed a deadline of April 4, 2016 for the filing of Complaints to determine the dischargeability of debts.

5. This is an adversary proceeding to determine the non-dischargeability of Defendant's debt to Plaintiff.

6. Defendant is indebted to Plaintiff in the sum of Thirty Six Thousand Six Hundred Twenty Seven and 18/100 Dollars (\$36,627.18), plus court costs in the amount of Two Hundred Thirty Dollars (\$230.00), plus interest on the sum of the foregoing at the rate of ten percent (10%) from and after January 26, 2011, as a result of fraudulent misrepresentations, concealments and conversions made and other actual fraud willfully and maliciously committed by Defendants to the injury of Plaintiff in connection with and to induce Plaintiff to enter into a partnership and operate a construction business with Defendant, all as more fully set forth in the Counterclaim filed against Defendant by Plaintiff in Case No. 03-E-3375 in the Cuyahoga Falls Municipal Court, Summit County, Ohio, and in the judgment entered on said Counterclaim against Defendant and in favor of Plaintiff on July 21, 2005 by the Summit County Court of Common Pleas, to which Court said case was transferred as Case No. CV2003-11-6907, copies of which Counterclaim and Judgment are attached hereto and by this reference made a part hereof as Exhibits "A" and "B", respectively.

7. The Judgment entered against Defendant and in favor of Plaintiff as aforesaid is binding on this Court and Defendant pursuant to the doctrine of res adjudicata.

WHEREFORE Plaintiff prays that this Court determine that Defendant's debt to Plaintiff, in the amount of Thirty Six Thousand Six Hundred Twenty Seven and 18/100 Dollars (\$36,627.18), plus court costs in the amount of Two Hundred Thirty Dollars (\$230.00), plus interest on the sum of the foregoing at the rate of ten percent (10%) from and after January 26, 2011, is excepted from discharge pursuant to 11 U.S.C. Sections 523(a)(2)(A) and 523(a)(6), and that this Court enter

judgment to that effect against Defendant and in favor of Plaintiff, for said amount, for the costs of this proceeding, for attorney's fees incurred by Plaintiff in connection with this proceeding, and for such other and further relief as this Court shall determine to be just and equitable in the circumstances.

/s/ Joseph E. Oliver

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Complaint was mailed to the Attorney for the Debtor, E. Lee Wagoner, Jr., 2351 Becket Circle, Stow, Ohio 44224, and to the Trustee, Kathryn A. Belfance, 50 South Main Street, 10th Floor, Akron, Ohio 44308, on March 15, 2016.

/s/ Joseph E. Oliver

Joseph E. Oliver, Esq.